

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CONVOLVE, INC. §
§
Plaintiff, §
§
v. § **Civil Action No. 2:08-cv-244**
§
DELL INC., et al. § **JURY TRIAL DEMANDED**
§
Defendants. §

NOTICE OF DISCLOSURE

Plaintiff Convolve, Inc. certifies that, pursuant to Fed. R. Civ. P. 26(a)(2), L.R. CV-26(b), this Court's Discovery Order at 1(h) (Docket No. 60), this Court's Docket Control Order (Docket No. 253), it served its "**Third Rebuttal Expert Report of Dr. Val DiEuliis**" on opposing counsel via electronic mail only on May 9, 2011.

DATED: May 9, 2011

Respectfully submitted,

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

/s/ *Elizabeth V. Thomas*

A. James Anderson (admitted *pro hac vice*)

Georgia Bar No. 016300

Anna C. Halsey (admitted *pro hac vice*)

Georgia Bar No. 208034

Elizabeth V. Thomas (admitted *pro hac vice*)

Georgia Bar No. 624263

Ailis L. Burpee (admitted *pro hac vice*)

Georgia Bar No. 623492

One Atlantic Center

1201 West Peachtree Street

Suite 2200

Atlanta, Georgia 30309

Telephone: (404) 760-4300

Facsimile: (404) 233-1267

Email: ajanderson@rkmc.com

Email: achalsey@rkmc.com

Email: evthomas@rkmc.com

Email: alburpee@rkmc.com

Marla R. Buter (admitted *pro hac vice*)

Georgia Bar No. 099917

Bryan J. Vogel (admitted *pro hac vice*)

New York Bar No. 3933736

601 Lexington Avenue

34th Floor

New York, NY 10022

Telephone: (212) 980-7400

Facsimile: (212) 980-7499

Email: mrbutler@rkmc.com

Email: bjvogel@rkmc.com

Eric M. Albritton

Texas State Bar No. 00790215

Stephen E. Edwards

Texas Bar No. 00784008

ALBRITTON LAW FIRM

P.O. Box 2649

Longview, Texas 75606

Telephone: (903) 757-8449

Facsimile: (903) 758-7397

Email: ema@emafirm.com

Email:² see@emafirm.com

T. John Ward, Jr.
Texas State Bar No. 00794818
WARD & SMITH LAW FIRM
P.O. Box 1231
Longview, Texas 75606
Telephone: (903) 757-6400
Facsimile: (903) 757-2323
Email: jw@jwfirm.com

ATTORNEYS FOR PLAINTIFF CONVOLVE, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

CONVOLVE, INC. §
Plaintiff, §
v. § Civil Action No. 2:08-cv-244
DELL INC., et al. § JURY TRIAL DEMANDED
Defendants. §

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing **“Third Rebuttal Expert Report of Dr. Val DiEuliis”** has been served upon the following counsel of record via electronic mail only this 9th day of May, 2011:

Scott F. Partridge
Roger Fulghum
Tammy Pennington
Brad Bowling
Amanda Woodall
Christopher Ponder
BAKER BOTTS L.L.P.
One Shell Plaza
910 Louisiana Street
Houston, TX 77002-4995

Michael C. Smith
SIEBMAN, REYNOLDS, BURG, PHILLIPS
& SMITH., L.L.P.
713 South Washington
Marshall, TX 75670

Deron R. Dacus
RAMEY & FLOCK, P.C.
100 East Ferguson
Suite 500
Tyler, TX 75702

Douglas E. Lumish
Jeffrey Homrig
Joseph H. Lee
Joseph B. Shear
Jeremy Jason Lang
KASOWITZ, BENSON, TORRES &
FRIEDMAN LLP
101 California Street, Suite 2300
San Francisco, California 94111

Patricia Young
KASOWITZ, BENSON, TORRES &
FRIEDMAN LLP
1633 Broadway
New York, NY 10019-6799

Eric H. Findlay
FINDLAY CRAFT
6760 Old Jacksonville Hwy, Suite 101
Tyler, TX 75703
Attorneys for Defendants
Hitachi Global Storage Technologies, Inc.
and Hitachi, Ltd.

Kimball R. Anderson
WINSTON & STRAWN
35 W. Wacker Drive
Chicago, IL 60601-9703

Attorneys for Defendant Dell, Inc.

Bruce Wessel
Thomas Werner
Richard Birnholz
Garland A. Kelley
IRELL & MANELLA L.L.P.
1800 Avenue of the Stars, Suite 900
Los Angeles, California 90067

Rey Barcelo
BARCELO, HARRISON & HARRISON, LLP
2901 West Coast Hwy, Suite 200
Newport Beach, CA 92663

Harold Kip Glasscock, Jr.
KIP GLASSCOCK ATTORNEY AT LAW
550 Fannin, Suite 1350
Beaumont, TX 77701

Melissa Richards Smith
GILLAM & SMITH, L.L.P.
303 South Washington Avenue
Marshall, Texas 75670

*Attorneys for Defendant Western Digital
Corporation*

DATED: May 9, 2011

/s/ Elizabeth V. Thomas
Elizabeth V. Thomas

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email, on this the 9th day of May 2011.

/s/ *Elizabeth V. Thomas*
Elizabeth V. Thomas